

# FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

DARRYL R. STERN, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER  
93 MED 522

The parties to this action for the purposes of § 227.53, Wis. Stats., are:

Darryl R. Stern, M.D.  
2034 East Southern Avenue  
Tempe, AZ 85282

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. Respondent Darryl R. Stern (dob 6/06/42) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #0016733, first granted on 5/08/69. Respondent is practicing as a psychiatrist in the state of Arizona.

2. The Respondent did, on March 10, 1993, have his license to practice medicine and surgery made subject to compliance with a Rehabilitation Order for an indefinite period by the Board of Medical Examiners of the State of Arizona, on the ground that he is recovering from alcohol dependence. Respondent at that time entered treatment and is fully cooperating with all treatment recommended by his treating professionals, and has been free of alcohol and unprescribed drugs since November, 1992.

CONCLUSIONS OF LAW

3. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

4. The conduct described in paragraph 2, above, violated § Med 10.02(2)(q), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license of Darryl R. Stern to practice medicine and surgery in the state of Wisconsin is LIMITED as follows:

A. Respondent shall remain in compliance with all of the terms and conditions of the March, 1993, Rehabilitation Order of the Board of Medical Examiners of the state of Arizona, and any modification of that Order.

B. Respondent shall abstain from all personal use of alcohol and shall abstain from all personal use of controlled substances except when necessitated by a legitimate medical condition and then only with the prior approval and supervision of Respondent's health care provider.

C. Respondent shall provide to his treating physician and all treatment facilities current releases which comply with federal and state laws, authorizing release of his medical and treatment records to the Wisconsin Medical Examining Board. The releases shall also permit Respondent's treatment providers to disclose and discuss Respondent's treatment and rehabilitation with a representative of the Wisconsin Medical Examining Board. Respondent shall cause copies of the releases to be filed with the Wisconsin Board Monitor, at the address listed below.

D. Respondent shall cause copies of all reports required under the March, 1993, Rehabilitation Order to be filed with the Wisconsin Department Monitor, P.O. Box 8935, Madison, WI 53708-8935 (telephone: 608-267-7139).

E. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Final Decision and Order.

F. During the term of this Order, Respondent shall not engage in the practice of medicine and surgery in the state of Wisconsin until he has satisfied all of the following conditions:

1) Respondent shall submit a petition to the Board indicating his intent to practice medicine in this state, setting forth the nature and scope of his intended practice;

2) Respondent shall appear in person before the Board and shall provide evidence satisfactory to the Board: a) of his continuing sobriety and the absence of a need for monitoring and treatment, b) or, in the alternative, of his enrollment and successful participation in all components of a drug and alcohol treatment program at a facility acceptable to the Board, and under such terms and conditions as the Board shall determine to be appropriate for Respondent's rehabilitation, c) and, of his ability to practice medicine and surgery with skill and safety to the public.

Denial of a petition by Respondent to practice medicine in the state of Wisconsin under this paragraph shall not be considered a denial of license within the meaning of Sec. 227.01(3)(a) Stats.

G. Before Respondent's Wisconsin license is restored to an unlimited status, he shall appear before the Medical Examining Board, at its option, and shall provide evidence to the satisfaction of the Board of his sobriety and his ability to practice medicine and surgery with skill and safety to the public. Denial of a petition for restoration of an unlimited license shall not be considered a denial of license within the meaning of Sec. 227.01(3)(a) Stats.

H. Respondent shall report to the Board Monitor any change of employment status, residence, address or telephone number within five days of the date of a change.

IT IS FURTHER ORDERED, that pursuant to Sec. 448.02(4) Stats., if the Board determines that there is probable cause to believe that Respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of Respondent be summarily suspended pending investigation of the alleged violation.

Dated this 24<sup>th</sup> day of July, 1996.

WISCONSIN MEDICAL EXAMINING BOARD

by:

Walter B. Schwartz, MD  
A Member of the Board

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
DARRYL R. STERN, M.D.,	:	STIPULATION
RESPONDENT.	:	93 MED 522

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

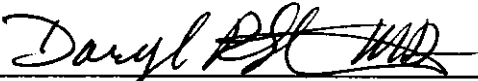
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

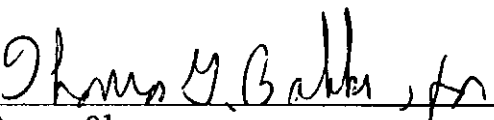
7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

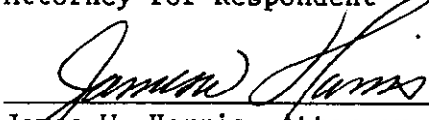
9. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the Monthly Disciplinary Report issued by the department. A summary of the order will be published in the Wisconsin Regulatory Digest issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

  
Respondent

29 June 96  
Date

  
Duane Olson  
Attorney for Respondent

7/11/96  
Date

  
James W. Harris, Attorney  
Division of Enforcement

July 15, 1996

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

July 25, 1996

### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)